



WEB COPY

A No. 1835 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 1835 of 2026

in

OP NO. 754 OF 2023

Sabah Fathima
D/o.Late Abdul Rauf,
New No.45, Old No.24, A.K.Swamy Nagar,
6th Street, Kilpauk, Chennai - 600 010.

..Applicant(s)

Vs

Fahad Bin Thabith
S/o.Thabith Mohammed Ali,
LOKNATH 2 ROD, NEAR BPL TOWER,
MELACHOVVA, KANNUR - 670006.
KERALA.
(AMENDED AS PER ORDER DT 12.09.2024 IN
A.NO.4661/2024 AND TIME EXTENDED AS
PER ORDER DT.19.09.2024

..Respondent(s)

Prayer in A No. 1835 of 2026

Petition filed under Order XIV Rule 8 of OS Rules r/w Section 60 of Bharatiya Sakshya Adhiniyam Act, 2023 and r/w section 151 of CPC, 1908 , praying to permit the Applicant/Petitioner to mark the Photocopy of Marriage Certificate dated 27/12/2016 and the Photocopy of Birth Certificate of the Minor Child Noof Bint Fahad dated 03/05/2022 as secondary evidence.

For Applicant(s):

M/s.S.V.PRAVIN RATHINAM



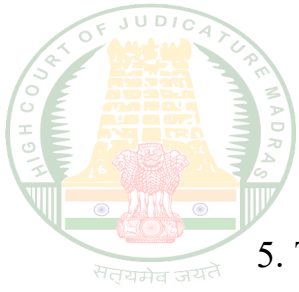
ORDER

This application has been filed seeking permission to mark the photocopy of the Marriage Certificate dated 27.12.2016 and the photocopy of the Birth Certificate of the minor child, Noof Bint Fahad, dated 03.05.2022, as secondary evidence.

2. According to the applicant, the originals of the said documents were left in the matrimonial home at Doha, Qatar, and are presently in the custody of the respondent. It is stated that, despite repeated requests, the respondent has failed to return the originals and that the photocopies produced before this Court are true copies thereof.

3. What is sought to be received are admittedly only photocopies. For reception of a photocopy as secondary evidence, the party relying upon it must establish the existence of the original, the circumstances which justify its non-production and the fact that the photocopy is a true and accurate reproduction of the original.

4. In the present case, the affidavit does not disclose when, by whom or under what circumstances the photocopies were prepared. It is also not stated that the photocopies were compared with the originals or that the applicant had personally verified their correctness at the time when the copies were taken.



5. The applicant is still required to establish the authenticity and accuracy of the photocopies in the manner contemplated under Sections 63 and 65 of the Indian Evidence Act, 1872.

6. Further, the Marriage Certificate is stated to have been issued from the records maintained by the Local Registrar, Kannur Corporation, from whom a certified copy can be obtained. The Birth Certificate is stated to have been issued by the Public Health Department, Doha, Qatar, and may be proved in the manner prescribed for foreign public documents. No satisfactory explanation has been offered as to why certified or duly authenticated copies could not be obtained from the respective authorities.

7. In the absence of the foundational facts necessary for reception of secondary evidence, the photocopies cannot be received. A mere photocopy of a document is inadmissible as secondary evidence unless the conditions prescribed under Sections 63 and 65 of the Indian Evidence Act are satisfactorily established (*H. Siddiqui v. A. Ramalingam*, (2011) 4 SCC 240.)

8. Accordingly, A.No.1835 of 2026 is dismissed. No costs.

JRS

31-07-2026
[2/3]



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DR.A.D.MARIA CLETE J.

JRS

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**in
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